Atty. Dkt. No. 086531-0132

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yasumasa OOYA et al.

Title: POSITIVE ELECTRODE ACTIVE MATERIAL AND NON-AQUEOUS SECONDARY BATTERY USING THE SAME

Appl. No.: Unassigned

Filing Date: December 21, 2001

Examiner: Unassigned

Art Unit: Unassigned

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.56

Commissioner for Patents
Box PATENT APPLICATION
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), within three (3) months of the filing date of the application.

RELEVANCE OF EACH DOCUMENT

The relevance of the Document A3 is described in the present specification.

Document A1 relates to a secondary battery comprising a positive electrode mainly composed of an oxide expressed by a formula of $LiCoO_2$, and the positive electrode contains solid acids such as SiO_2, Al_2O_3, V_2O_5, IrO_2 or the like. There can be obtained a non-aqueous electrolyte secondary battery excellent in reserving characteristic at a high temperature.

Document A2 relates to a positive electrode active material in which aggregated bodies consisting of multi-crystallized particles are used as the positive electrode active material, the aggregated bodies contain ultra-fine powders and the ultra-fine powders are existing in at least one of the multi-crystallized particles and grain boundary phases. A collapse of the crystals can be effectively prevented, so that there can be obtained a non-aqueous electrolyte secondary battery having a good cycle characteristic.

English translations of the foreign-language documents are not readily available. However, the absence of such translations does not relieve the PTO from its duty to consider the submitted foreign language documents (37 CFR §1.98 and MPEP §609). English language abstracts are attached.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any

Atty. Dkt. No. 086531-0132

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date: December 21, 2001

By _____

Richard L. Schwaab
Attorney for Applicant
Registration No. 25,479

FOLEY & LARDNER
Customer Number: 22428
22428
PATENT TRADEMARK OFFICE
Telephone: (202) 672-5414
Facsimile: (202) 672-5399